

Senate File 2318 - Introduced

SENATE FILE 2318
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3149)

A BILL FOR

1 An Act relating to state and school antiharassment and
2 antibullying policies, establishing an office of support
3 and analysis for safe schools, establishing a school
4 climate improvement grant program, providing for training
5 on harassment and bullying prevention and response, making
6 appropriations, and including effective date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135.11, subsection 30, Code 2014, is
2 amended by striking the subsection.

3 Sec. 2. Section 256.2, Code 2014, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 2A. "*Harassment*" and "*bullying*" mean the
6 same as defined in section 280.28.

7 Sec. 3. Section 256.7, Code 2014, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 33. Adopt rules incorporating the training
10 required by section 272.2, subsection 19, into the standards
11 for individual teacher professional development plans in
12 accordance with section 284.6 and individual administrator
13 professional development plans in accordance with section
14 284A.6.

15 Sec. 4. Section 256.9, Code 2014, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 65. Submit to the general assembly annually
18 by January 1, a report on harassment and bullying in schools in
19 this state. The report shall include harassment and bullying
20 incidence data reported by school districts and accredited
21 nonpublic schools pursuant to section 280.28, subsection 7,
22 including the number of founded and unfounded reports of
23 harassment or bullying per school district and accredited
24 nonpublic school; relevant response data from the Iowa youth
25 survey; outcome data for the school climate improvement grant
26 program established by section 256.101; and any recommendations
27 relating to harassment and bullying prevention in this state.
28 The department shall publish the report on the department's
29 internet site.

30 Sec. 5. NEW SECTION. 256.100 **Office of support and analysis**
31 **for safe schools.**

32 1. The office of support and analysis for safe schools
33 is established in the department to coordinate and implement
34 the state's efforts to prevent and respond to harassment and
35 bullying.

1 2. The office shall coordinate efforts between state
2 agencies and promote research-based best practices for
3 programming and training in the prevention of and response to
4 harassment and bullying. The office may enter into chapter 28E
5 agreements with the board of educational examiners, department
6 of human rights, the civil rights commission, postsecondary
7 educational institutions, and other public agencies for the
8 joint employment of personnel to carry out its duties. The
9 office shall coordinate with appropriate stakeholders in
10 carrying out its duties.

11 3. The office shall:

12 *a.* Assist schools in the implementation of section 280.28,
13 using research-based best practices.

14 *b.* Develop or recommend qualified training programs for
15 training required by section 272.2, subsection 19.

16 *c.* Coordinate with area education agencies to ensure
17 that training required by section 272.2, subsection 19, and
18 appropriate mental health services are available to every
19 school in this state.

20 *d.* Provide assistance to school employees responsible
21 for conducting investigations of complaints of incidents of
22 harassment or bullying to ensure compliance with section
23 280.28.

24 *e.* Administer the school climate improvement grant program
25 established by section 256.101.

26 *f.* Compare and analyze harassment and bullying incidence
27 data reported by school districts and accredited nonpublic
28 schools pursuant to section 280.28, subsection 7, and response
29 data from the Iowa youth survey. The office may use its
30 analysis to provide technical assistance to school districts
31 or schools to improve school learning environments and school
32 safety and to achieve compliance with section 280.28.

33 *g.* Coordinate with the department of public health and
34 other public and private agencies and organizations in the
35 administration of the your life Iowa initiative. Contacts with

1 the initiative relating to possible harassment or bullying
2 shall be shared with the office, which shall assist the
3 initiative in responding to such contacts. The office shall
4 maintain compliance with applicable federal and state privacy
5 laws to ensure the confidentiality of information provided to
6 the initiative.

7 *h.* Collaborate with the department of public health and
8 other state agencies in the administration of the Iowa youth
9 survey to students in grades six, eight, and eleven in Iowa's
10 public and nonpublic schools. Survey data shall be evaluated
11 and reported, with aggregate data available online at the Iowa
12 youth survey internet site.

13 Sec. 6. NEW SECTION. 256.101 School climate improvement
14 grant program.

15 1. A school climate improvement grant program is
16 established in the department to build upon previous state
17 efforts to promote school safety, including the Iowa safe and
18 supportive schools grant and program, by providing funds to
19 school districts and accredited nonpublic schools to maintain,
20 improve, and promote safe and supportive learning environments
21 in this state. The program shall be administered by the office
22 of support and analysis for safe schools established by section
23 256.100.

24 2. The office shall award funds from the program to schools
25 on a competitive grant basis. Awards shall be consistent with
26 the following goals of the program:

27 *a.* To implement section 280.28, using research-based best
28 practices.

29 *b.* To assist schools to promote a climate of greater
30 productivity, safety, and learning.

31 *c.* To assist schools in the professional development of
32 staff in research-based school safety programs and classroom
33 management programs.

34 *d.* To assist schools in enhancing and coordinating
35 antiviolence efforts between schools, professional, parental,

1 governmental, law enforcement, and community organizations and
2 associations.

3 3. Grants from the program may be used to fund school
4 programs or activities including but not limited to the
5 following:

6 a. Research-based staff training or other efforts to
7 implement section 280.28.

8 b. Assessment of compliance with section 280.28.

9 c. Technical assistance for improved classroom management.

10 d. Research-based school safety programs that address risk
11 factors to reduce incidents of problem behaviors among students
12 including antiharassment and antibullying programs.

13 e. Mental health demonstration projects.

14 f. Safety and security training and resources that enhance
15 the overall safety and security of staff and students.

16 4. The office shall give priority in grant awards to the
17 following applicants:

18 a. Applicants that have experienced disproportionate
19 incidents of harassment and bullying.

20 b. Applicants that demonstrate that they are addressing
21 needs or gaps identified from their results in the Iowa youth
22 survey.

23 c. Applicants that provide a commitment of additional funds
24 from public or private sources for the programs or activities
25 for which a grant is sought.

26 5. The office shall pursue additional funding from public
27 and private sources to support the program.

28 6. The department shall adopt rules to administer the
29 program, including but not limited to an application process
30 and grant award criteria.

31 Sec. 7. Section 272.1, Code 2014, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 4A. "*Harassment*" and "*bullying*" mean the
34 same as defined in section 280.28.

35 Sec. 8. Section 272.2, Code 2014, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 19. *a.* Adopt rules requiring all teachers
3 who have regular and substantial contact with students to
4 complete training approved by the office of support and
5 analysis for safe schools established by section 256.100, on
6 harassment and bullying prevention and response as part of
7 their professional development and training plans.

8 *b.* Adopt rules requiring all individuals applying for or
9 renewing a license, certificate, authorization, or statement
10 of recognition issued by the board who are responsible for
11 conducting investigations of complaints of incidents of
12 harassment or bullying to complete training approved by the
13 office of support and analysis for safe schools established
14 by section 256.100, on the provisions of section 280.28,
15 conducting impartial investigations with transparency,
16 collecting evidence, following up on previous investigations,
17 and reporting founded and unfounded incidents of harassment and
18 bullying to the department.

19 *c.* Adopt rules requiring all individuals applying for
20 or renewing an administrator license to complete training
21 approved by the office of support and analysis for safe
22 schools established by section 256.100, on implementation of
23 school-wide policies and procedures for harassment and bullying
24 identification, reporting, response, and prevention.

25 Sec. 9. Section 280.28, subsection 2, paragraph a, Code
26 2014, is amended to read as follows:

27 *a.* "*Electronic*" means any communication involving the
28 transmission of information by wire, radio, optical cable,
29 electromagnetic, or other similar means. "*Electronic*" includes
30 but is not limited to communication via electronic mail,
31 internet-based communications including social networking sites
32 and applications, pager service, cell phones, and electronic
33 text messaging, or any other electronic communication site,
34 device, or means.

35 Sec. 10. Section 280.28, subsection 3, Code 2014, is amended

1 by adding the following new paragraph:

2 NEW PARAGRAPH. *h.* A procedure for documenting the actions
3 taken by the school to investigate and respond to harassment
4 or bullying.

5 Sec. 11. Section 280.28, subsection 7, Code 2014, is amended
6 to read as follows:

7 *7. Integration of policy and reporting.* The board of
8 directors of a school district and the authorities in charge of
9 each nonpublic school shall integrate its antiharassment and
10 antibullying policy into the comprehensive school improvement
11 plan required under section 256.7, subsection 21, and shall
12 ~~report data collected under subsection 6, as specified by the~~
13 following to the department, to and the local community:

14 *a.* Data collected under subsection 6, as specified by the
15 department.

16 *b.* The process used for filing complaints, including the
17 location of online or other complaint forms.

18 *c.* The number of school employees and volunteers who have
19 completed antiharassment and antibullying training.

20 Sec. 12. Section 280.28, Code 2014, is amended by adding the
21 following new subsections:

22 NEW SUBSECTION. *9. Parental notification.*

23 *a.* Each school district and accredited nonpublic school
24 shall establish notification procedures for incidents of
25 harassment or bullying in accordance with this subsection. The
26 procedures shall include notification of the custodial parent
27 or guardian of any student directly involved in any incident of
28 harassment or bullying, upon investigation and determination
29 that harassment or bullying has occurred, consistent with
30 a notification plan made in consultation with the student
31 and school guidance staff. The notification shall include
32 information on the action that school officials have taken
33 regarding the incident and the actions school officials will
34 take to prevent further acts of harassment or bullying. If
35 such notification is delayed, the school district or school

1 shall document the reasons for the delay. This paragraph does
2 not prohibit a school official from contacting a parent or
3 guardian about a report of harassment or bullying prior to a
4 determination that harassment or bullying has occurred.

5 *b.* The requirements of this subsection shall not apply if a
6 school official reasonably believes notification would subject
7 a student to abuse, neglect, or other physical or mental harm.

8 *c.* Notification pursuant to this subsection shall comply
9 with state and federal privacy laws, regulations, and rules.

10 NEW SUBSECTION. 10. *Authority off school grounds.* A school
11 official may investigate and respond appropriately to an
12 alleged incident of harassment or bullying that occurs outside
13 of school, off of school property, or away from a school
14 function or school-sponsored activity. If an alleged incident
15 of harassment or bullying has an effect on school grounds that
16 creates an objectively hostile school environment that meets
17 one or more of the conditions set out under subsection 2,
18 paragraph "b", a school official shall investigate and respond
19 appropriately to the alleged incident. The school official's
20 investigation and response to an alleged incident of harassment
21 or bullying that occurs outside of school, off of school
22 property, or away from a school function or school-sponsored
23 activity may include referring the matter to law enforcement
24 officials or other appropriate authorities.

25 NEW SUBSECTION. 11. *Rulemaking authority.* The department
26 of education may adopt rules necessary to administer this
27 section in a uniform way across the state.

28 Sec. 13. APPROPRIATIONS. There is appropriated from
29 the general fund of the state to the department of education
30 for the fiscal year beginning July 1, 2013, and ending June
31 30, 2014, the following amounts, or so much thereof as is
32 necessary, to be used for the purposes designated:

33 For the establishment and administration of the office of
34 support and analysis for safe schools, for carrying out the
35 duties of the office, including salaries, support, maintenance,

1 and for not more than the following full-time equivalent
2 positions:

3 \$ 250,000
4 FTEs 3.00

5 For the provision of grants from the school climate
6 improvement grant program established in section 256.101:

7 \$ 750,000

8 From the moneys appropriated to the office of support and
9 analysis for safe schools, \$150,000 shall be used to provide or
10 facilitate the provision of training required by section 272.2,
11 subsection 19, at minimal cost to the trainee.

12 Notwithstanding section 8.33, moneys appropriated in this
13 section that remain unencumbered or unobligated at the close of
14 the fiscal year shall not revert but shall remain available for
15 expenditure for the purposes designated until the close of the
16 succeeding fiscal year.

17 Sec. 14. EFFECTIVE UPON ENACTMENT. The following
18 provision or provisions of this Act, being deemed of immediate
19 importance, take effect upon enactment:

20 1. The section of this Act enacting section 256.100.

21 2. The section of this Act enacting section 256.101.

22 3. The section of this Act making appropriations to the
23 department of education.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 OFFICE WITHIN DEPARTMENT ESTABLISHED — APPROPRIATION.

28 This bill establishes the office of support and analysis for
29 safe schools in the department of education to coordinate
30 and implement the state's efforts to prevent and respond to
31 harassment and bullying.

32 The office shall coordinate efforts between state agencies
33 and promote research-based best practices for programming
34 and training in the prevention of and response to harassment
35 and bullying. The office may enter into Code chapter 28E

1 agreements with public agencies for the joint employment of
2 personnel. The office shall coordinate with the appropriate
3 stakeholders in carrying out its duties.

4 The bill provides duties for the office. The office shall
5 assist schools in implementation of Code section 280.28, the
6 state antiharassment and antibullying law, using research-based
7 best practices. The office shall develop or recommend
8 qualified training programs for training of school employees
9 and administrators required by the bill and shall coordinate
10 with area education agencies to ensure that such training
11 and appropriate mental health services are available to
12 every school in Iowa. The office shall provide assistance to
13 school employees responsible for conducting investigations of
14 complaints of harassment or bullying to ensure compliance with
15 Code section 280.28. The office shall administer the school
16 climate improvement grant program established by the bill. The
17 office shall have access to, compare, and analyze harassment
18 and bullying incidence data reported by school districts and
19 accredited nonpublic schools pursuant to Code section 280.28
20 and response data from the Iowa youth survey and may use its
21 analysis to provide technical assistance to school districts
22 and schools. The office shall coordinate with the department
23 of public health and other public and private agencies and
24 organizations in the administration of the your life Iowa
25 initiative. The initiative is administered by the department
26 of public health and provides assistance relating to bullying
27 and suicide prevention. The bill transfers administration of
28 the Iowa youth survey from the department of public health to
29 the office. The office shall collaborate with the department
30 of public health and other state agencies in the administration
31 of the survey.

32 The bill appropriates to the department of education for
33 fiscal year 2013-2014, for carryforward into fiscal year
34 2014-2015, \$250,000 for the establishment and administration
35 of the office, for carrying out the duties of the office, and

1 for not more than three full-time equivalent positions. From
2 the moneys appropriated, \$150,000 shall be used to provide or
3 facilitate the provision of training of school employees and
4 administrators required by the bill at minimal cost to the
5 trainees.

6 GRANT PROGRAM ESTABLISHED — APPROPRIATION. The bill
7 establishes a school climate improvement grant program in
8 the department of education to build upon previous state
9 efforts to promote school safety, including the Iowa safe and
10 supportive schools grant and program, by providing funds to
11 school districts and accredited nonpublic schools to maintain,
12 improve, and promote safe and supportive learning environments
13 in this state. The program shall be administered by the office
14 of support and analysis for safe schools established by the
15 bill.

16 The office shall award funds from the program to schools
17 on a competitive grant basis. Awards shall be consistent
18 with the goals of the program. The goals are to implement
19 Code section 280.28, using research-based best practices; to
20 assist schools to promote a climate of greater productivity,
21 safety, and learning; to assist schools in the professional
22 development of staff in research-based school safety programs
23 and classroom management programs; and to assist schools
24 in enhancing and coordinating antiviolenence efforts between
25 schools, professional, parental, governmental, law enforcement,
26 and community organizations and associations.

27 Grants from the program may be used to fund school programs
28 or activities including but not limited to research-based
29 staff training or other efforts to implement Code section
30 280.28; assessment of compliance with Code section 280.28;
31 research-based school safety programs; safety and security
32 training and resources that enhance the overall safety and
33 security of staff and students; and certain other programs and
34 activities.

35 The office shall give priority in grant awards to certain

1 applicants.

2 The bill appropriates to the department for fiscal year
3 2013-2014, for carryforward into fiscal year 2014-2015,
4 \$750,000 to be used for grants from the program.

5 EDUCATIONAL PROFESSIONALS — LICENSING AND TRAINING. The
6 bill requires the board of educational examiners to adopt rules
7 requiring all individuals applying for or renewing a license,
8 certificate, authorization, or statement of recognition issued
9 by the board who have regular and substantial contact with
10 students to complete training on harassment and bullying
11 prevention and response.

12 The bill requires the board to adopt rules requiring all
13 individuals applying for or renewing a license, certificate,
14 authorization, or statement of recognition issued by the board
15 who are responsible for conducting investigations of complaints
16 of incidents of harassment or bullying to complete training on
17 the provisions of Code section 280.28, conducting impartial
18 investigations with transparency, collecting evidence,
19 following up on previous investigations, and reporting founded
20 and unfounded incidents of harassment and bullying to the
21 department of education.

22 The bill requires the board to adopt rules requiring all
23 individuals applying for or renewing an administrator license
24 to complete training on implementation of school-wide policies
25 and procedures for harassment and bullying identification,
26 reporting, response, and prevention.

27 The bill requires the state board of education to adopt rules
28 incorporating the training requirements into the standards
29 for individual teacher professional development plans and
30 individual administrator professional development plans.

31 ANTIHARASSMENT AND ANTIBULLYING POLICIES AND ACTIONS.
32 "Harassment" and "bullying" are defined in the bill in Code
33 chapters 256 and 272 to mean the same as defined in Code
34 section 280.28.

35 The bill modifies the definition of "electronic" under

1 Code section 280.28 by including social networking sites
2 and applications and any other electronic communication
3 site, device, or means as part of the term "internet-based
4 communications".

5 The bill requires state antiharassment and antibullying
6 policies to include a procedure for documenting the actions
7 taken by the school to investigate and respond to harassment
8 or bullying.

9 The bill modifies data reporting requirements for schools
10 under Code section 280.28 by requiring the board of directors
11 of a school district and the authorities in charge of each
12 nonpublic school to report certain additional information to
13 the department of education and the local community.

14 The bill requires school districts and accredited nonpublic
15 schools to establish notification procedures for incidents
16 of harassment or bullying. The procedures shall include
17 notification of the parent or guardian of any student directly
18 involved in any incident of harassment or bullying, upon
19 investigation and determination that harassment or bullying
20 has occurred, consistent with a notification plan made in
21 consultation with the student and school guidance staff. The
22 parents or guardians shall be informed of the district's or
23 school's procedures for responding to harassment or bullying
24 and action that school officials will take to prevent further
25 incidents of harassment or bullying.

26 The notification requirements in the bill shall not apply
27 if a school official reasonably believes notification would
28 subject a student to abuse, neglect, or other physical or
29 mental harm. Notification pursuant to the bill shall comply
30 with state and federal privacy laws, regulations, and rules.

31 The bill grants school officials the authority to
32 investigate and respond appropriately to an alleged incident
33 of harassment or bullying that occurs outside of school,
34 off of school property, or away from a school function
35 or school-sponsored activity. If an alleged incident of

1 harassment or bullying has an effect on school grounds that
2 creates an objectively hostile school environment that places
3 the student in reasonable fear of harm to the student's
4 person or property; has a substantially detrimental effect
5 on the student's physical or mental health; has the effect
6 of substantially interfering with a student's academic
7 performance; or has the effect of substantially interfering
8 with the student's ability to participate in or benefit from
9 the services, activities, or privileges provided by a school,
10 the bill requires a school official to investigate and respond
11 appropriately to the alleged incident. The school official's
12 investigation and response may include referring the matter to
13 law enforcement officials or other appropriate authorities.

14 The bill permits the department of education to adopt rules
15 necessary to administer Code section 280.28 in a uniform way
16 across the state.

17 The bill requires the director of the department of
18 education to submit an annual report to the general assembly on
19 harassment and bullying in Iowa schools.

20 EFFECTIVE DATES. The provisions of the bill establishing
21 the office of support and analysis for safe schools,
22 establishing the school climate improvement grant program,
23 and making appropriations to the department of education take
24 effect upon enactment.